



STATE OF MAINE  
DEPARTMENT OF CONSERVATION  
MAINE LAND USE REGULATION COMMISSION  
22 STATE HOUSE STATION  
AUGUSTA, ME 04333-0022



# **PETITION FOR REZONING**

## **TO IMPLEMENT A RESOURCE PLAN PROTECTION (P-RP) SUBDISTRICT UNDER THE PROVISIONS OF A CONCEPT PLAN**

**The following information is attached:**

- Instructions and Application for Petition for Rezoning.
- Guide to Preparing a Concept Plan.
- Guidelines for Selection of Easement Holders.
- Comprehensive Land Use Plan.
- Commission's Statutes, 12 M.R.S.A.
- Commission's Land Use Districts and Standards.
- Land Use Guidance Map (if the location of your proposal is known).

**PLEASE READ ALL FORMS AND INSTRUCTIONS BEFORE PROCEEDING**

# INSTRUCTIONS FOR YOUR PETITION FOR REZONING

## Who Needs a Petition for Rezoning to Implement a Concept Plan?

Anyone seeking to change the existing land use district or district boundary (zoning) to a Resource Plan Protection (P-RP) subdistrict under the provisions of a concept plan on any parcel of land within the jurisdiction of the Land Use Regulation Commission needs this petition for rezoning.

## What are the Criteria for Approval?

Please refer to Section III, Criteria for Approval, of the Commission's *Guide to Preparing a Concept Plan* for a summary of the review criteria associated with implementing a concept plan.

## How do I Know that the Petition is Complete?

Your petition for rezoning should be complete if you have properly completed all parts of the petition, both questions and exhibits, and provided notice to all abutting landowners and all landowners within 1,000 feet of the property to be rezoned and appropriate Town/Plantation offices and County Commissioners in accordance with the notice included as part of this petition. In some situations, additional information may be requested. INCOMPLETE PETITIONS MAY BE RETURNED.

## Who will Review my Petition for Rezoning?

Once your petition has been received by the Land Use Regulation Commission, you will receive a postcard acknowledging its receipt and stating the name of the staff person who will be reviewing your petition. Please refer all questions to your staff person, and always refer to your staff person in any letters, telephone calls or other correspondence regarding your petition.

A decision on your petition will be made by the Commission during one of its regularly scheduled monthly meetings. You will be notified in advance of the date, time and location of the meeting at which your petition will be considered.

## Where can I get Help to Complete the Petition?

If you have questions or need additional help you may call the Maine Land Use Regulation Commission offices. For the Augusta office call (207) 287-2631. The Commission also has five regional offices:

Ashland	(207) 435-7963
Greenville	(207) 695-2466
Cherryfield	(207) 546-4405
East Millinocket	(207) 746-2244
Rangeley	(207) 864-5064

## Instructions for Required Exhibits

Your petition is only complete when all necessary exhibits have been submitted. **Incomplete or inadequate petitions and exhibits may be returned.** If you do not fully understand what is being asked in a question or exhibit, please contact the Commission staff for assistance.

Identify each page of the exhibit with the petitioner's name and the exhibit letter and/or identification (e.g. EXHIBIT B – RIGHT, TITLE OR INTEREST). All plans must be drawn to scale and that scale must be clearly identified. All exhibits must be clear and in ink or typewritten. Pencil notes and drawings, very light copies of materials and drawings and notes on onion skin paper are not acceptable and may be returned. Exhibits larger than 8½” by 11”, other than Land Use Guidance Maps and deeds, must be submitted in 12 copies and folded to 8½” by 11”. Additional pages must be clearly identified with the petitioner's name and the number of the question and/or the question included on each page. In some instances, additional copies of the entire petition for rezoning may be needed. Please check with your assigned staff person.

## Instructions for Notice of Filing of Rezoning Petition

The petitioner must provide notice as follows:

- **To Property Owners within 1,000 feet:** A completed copy of the attached Notice of Filing form must be provided to the owners of all property abutting or within 1,000 feet of the property included as part of the petition for rezoning. The names and addresses of such property owners may be obtained from town and plantation tax maps or public officials or, in unorganized townships, from the Bureau of Taxation, Property Tax Division, 24 State House Station, Augusta, ME 04333-0024; telephone (207) 287-2011. Such property owners should receive their Notice of Filing the same week that the Petition for Rezoning is filed with the Commission. **Failure to submit a complete list of landowners may invalidate this petition, even if otherwise approvable.**
- **To Town/Plantation Officers and County Commissioners:** A completed copy of the attached Notice of Filing form and a copy of the Petition for Rezoning must be provided to the Town or Plantation office and the County Commissioners. If the land is located in an unorganized township, send the Notice of Filing and Petition for Rezoning to the County Commissioners office. Town, Plantation and County Officials should receive their Notice of Filing the same week that the Petition for Rezoning is filed with the Commission.
- **Publication:** The Commission may require that the petitioner publish a completed copy of the attached Notice of Filing in the legal notice or legal advertisement section of a newspaper circulated in the area where the project is located. The petitioner is not required to publish the notice with the newspaper unless the Commission staff notifies the petitioner to do so.

**Upon filing your petition with the Commission, you must attach a completed copy of the Notice of Filing, a listing (including names and mailing addresses) of all persons to whom notice was provided, and the date such notice was provided.**



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DEPARTMENT OF CONSERVATION  
LAND USE REGULATION COMMISSION  
22 STATE HOUSE STATION  
AUGUSTA, ME 04333-0022



**FOR OFFICE USE**

ZP \_\_\_\_\_  
P-RP \_\_\_\_\_  
Date Rec'd \_\_\_\_\_  
App Fee \_\_\_\_\_

**PETITION FOR REZONING**  
**TO IMPLEMENT A RESOURCE PLAN PROTECTION (P-RP) SUBDISTRICT**  
**UNDER THE PROVISIONS OF A CONCEPT PLAN**

1. **Petitioner:** \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
\_\_\_\_\_  
Daytime Telephone: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_
2. **Petitioner's Status:**  
\_\_\_\_\_ Individual or sole proprietorship (d/b/a): \_\_\_\_\_  
\_\_\_\_\_ Partnership (Provide names of partners): \_\_\_\_\_  
\_\_\_\_\_ Corporation (Provide name of corporation): \_\_\_\_\_  
\_\_\_\_\_ Other entity (Please explain): \_\_\_\_\_
3. **Agent Authorization:** If you have an agent, such as a realtor, lawyer or contractor, acting on your behalf regarding this petition, complete the following authorization:  
  
Name of Agent: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
\_\_\_\_\_  
Daytime Telephone: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

*I hereby authorize the above-listed individual to act as my legal agent in all matters relating to this Petition for Rezoning. I understand that I am ultimately responsible for compliance with all conditions and limitations of any permit issued to me by the Land Use Regulation Commission.*

Petitioner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

4. **Exhibits:** Please ensure that this rezoning petition includes the following required exhibits prior to submission:

\_\_\_\_\_ **Application Fee:** \$50.00, payable to “Treasurer, State of Maine”. This application fee is not refundable.

\_\_\_\_\_ **Notice of Filing:** Attach a copy of a completed Notice of Filing form that was sent to landowners and officials. Please review the instructions to determine which persons must be provided notice of this rezoning petition.

\_\_\_\_\_ **Exhibit A: Corporate Good Standing.** If petitioner’s status is a Corporation, submit a Certificate of Good Standing from the Secretary of State, State of Maine.

\_\_\_\_\_ **Exhibit B: Right, Title or Interest.** The law requires that a petitioner (other than a state or federal agency) must own or lease all of the property for which rezoning is being petitioned. To demonstrate right, title or interest, submit complete, signed copies of all deed(s) or lease(s) which document the petitioner's right, title or interest in all of the land addressed in this rezoning petition.

\_\_\_\_\_ **Exhibit C: Location Map.** Submit a large Land Use Guidance Map on which you have clearly marked the boundaries of the property for which rezoning is petitioned, using the same scale as shown on the guidance map.

\_\_\_\_\_ **Exhibit D: On-Site Soils Mapping.** Submit on-site soils mapping conducted by a soil scientist for all areas proposed for development, including roads. Soils information should be at a minimum scale of 1:62,500 or 1” to the mile, with 40 acre minimum mapping units. Soils mapping should include:

- the location of all test pits and/or borings,
- a description of all soil mapping units referring to soil grouping designations according to both the USDA soils series names and the Maine State Plumbing Code profile and condition,
- the boundary lines of all proposed subdivisions, roads and other development areas,
- topographic contour lines at a minimum of five foot intervals,
- the percent and direction of slopes, and
- the location of all streams and waterbodies.

The map must be drawn to the same scale as any other site plans that are submitted and must be dated and include the signature and license number of the soil scientist responsible for the work.

\_\_\_\_\_ **Exhibit E: Letters Evaluating Impacts.** Submit letters from town, plantation, county and/or other officials describing what they anticipate as impacts, both favorable and unfavorable, of the proposed use of the land on the local community and surrounding area. If the property is located in a town or plantation, contact the selectmen or assessors for such a letter. If the property is located in a township, contact the regional planning commission, county commissioners or similar officials.

\_\_\_\_\_ **Exhibit F: Letters Confirming Availability of Services:** If the proposed rezoning and subsequent use of the land will require municipal services, submit letters from town, plantation, and/or county officials and school administrative districts indicating that needed municipal or county services (i.e. solid waste disposal, fire and police protection, schools and school transportation, etc.) will be available. The letters should describe any special circumstances or conditions that must be met prior to providing such services.

\_\_\_\_\_ **Exhibit G:** Submit a copy of all documents demonstrating that the proposed easement holder meets the Commission's *Guidelines for Selection of Easement Holders*.

\_\_\_\_\_ **Concept Plan:** Submit a written concept plan that, at minimum, identifies (1) all areas where new, lake-related development is to be located; (2) resource values or shoreland areas to be protected; (3) mechanisms that will be used to conserve important resources or areas; and (4) the life span of the plan. Additional details about the proposal may be necessary to include within the plan. Please refer to the Commission’s *Guide to Preparing a Concept Plan* for more information.

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Please respond to the following questions about your proposal either on a separate sheet of paper or, preferably, within the text of the concept plan.

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5. **Location of Property:** List all towns, townships, and plantations that include land proposed for rezoning to the P-RP subdistrict. Include the number of acres that you own or lease, the number of acres proposed for rezoning, and the names of waterbodies and roads located on or adjacent to land proposed for rezoning.

Town, Township or Plantation	County	Acres Owned	Acres to Rezone	Waterbodies	Roads
Total Acres:					

6. **Notice of Filing:** Provide the names and mailing addresses of all individuals, companies or others who own land within 1,000 feet of the property for which you seek rezoning and any other persons to whom notice of this rezoning petition was provided. Also provide the date such notice was provided. **Failure to submit a complete list of landowners may invalidate this petition, even if otherwise approvable.**

Name	Mailing Address	Notice Date

7. **Existing Zoning:** List the zones currently applied to the area(s) proposed for rezoning.
8. **Current Use:** Describe the current and historical use of the land proposed for rezoning.
9. **Surrounding Uses and Resources:** Describe the uses and resources of the area/region surrounding the land proposed for rezoning (i.e. commercial forest, farm land, seasonal/year-round residential use, commercial uses, etc.).
9. **Existing Development:** Describe existing development in the area/region and within the area proposed for rezoning, including type, amount, density, and proximity (by road) to the area proposed for rezoning. If the plan includes only a portion of a lake, describe existing development on the rest of the lake in sufficient detail to understand the context of the proposed plan.
10. **Proposed Uses:** Describe all proposed uses of the land involved in this rezoning petition. If any subdivisions are proposed, describe the types of subdivisions (seasonal, year-round, residential, commercial, etc.) and the numbers and sizes of lots within each subdivision (including any common areas or lots designated to remain undeveloped). Attach a site plan that shows all locations of the proposed subdivisions within the concept plan. If structural development is proposed, describe its type, size and use and attach a preliminary site plan that shows how such structural development and support facilities will be located. If any other use is proposed, describe in detail what that use will be and why it is being proposed.

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Under provisions of the Commission's statute, 12 M.R.S.A. §685-A(8), no change in a district boundary may be approved unless:

1. There is substantial evidence that the change would be consistent with the standards for district boundaries in effect at the time, the Comprehensive Land Use Plan, and the purpose, intent and provisions of Chapter 206-A (the Land Use Regulation Law); and
2. The change in zoning will satisfy a demonstrated need in the community or area and will have no undue adverse impact on existing uses or resources or is more appropriate for the protection and management of existing uses and resources within the affected area.

*[Note: In the instance of a concept plan, the latter provision, "is more appropriate...", is the applicable standard of approval.]*

The following questions are intended to generate information that will be useful in assessing whether the proposal meets the Commission's statutory rezoning criteria.

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11. **Consistency with the Comprehensive Land Use Plan:** The Commission's plan includes specific goals to guide the location of new development; to protect and conserve forest, recreational, plant or animal habitat and other natural resources; to ensure the compatibility of land uses with one another; and to allow for a reasonable range of development opportunities important to the people of Maine.

Carefully read and refer to the Commission's Comprehensive Land Use Plan (particularly the objectives and policy statements found on pages 134-143). Explain how the proposed change in zoning will be consistent with the Commission's Comprehensive Land Use Plan.

12. **Adjacency Criterion:** The Commission's plan encourages orderly growth within and proximate to existing, compatible developed areas. This is referred to as the "adjacency" criterion. When considering any petition for rezoning, the Commission places considerable weight on this objective. However, the Commission may consider adjusting the adjacency criterion when assessing concept plans, provided any such relaxation is matched by comparable conservation measures.

Does your proposal fit the adjacency objective? If so, describe in detail the type and amount of existing nearby development. Include the distance (by straight line and by road) of such development from your proposed area(s) of development.

Does the proposal require adjustment of the Commission's adjacency policy? If so, explain why such adjustment is justified in the context of the Commission's policies, and describe how the development gained through the adjustment is matched by comparable conservation measures.

13. **Protection Zoning:** Is the P-RP zone that you propose more appropriate for the protection and management of *existing* uses and resources in the area? If so, describe how the P-RP zone is more appropriate.

14. **Shoreland Criteria:** The Commission's lake management program contains policy statements that include review criteria for permit applications (including petitions for rezoning prior to such activities) that could affect the shoreline. These special review criteria for intensive development proposed on lakes are included in the Commission's Land Use Districts and Standards under provisions of Section 10.13,B,2.

If your petition for rezoning includes any shoreland areas, carefully read and refer to the Review Criteria for Shoreland Permits in Appendix C of the Comprehensive Land Use Plan (pages C-4 and C-5) and the Review Standards for Structures Adjacent to Lakes in Section 10.13,B,2 of the Commission's Land Use Districts and Standards. Explain how the proposed rezoning is consistent with the following criteria:

- a. Natural and Cultural Resource Values: The proposal will not adversely affect natural and cultural resource values identified as significant or outstanding in the Wildland Lakes Assessment;
  - b. Water Quality: The proposal will not, alone or in conjunction with other development, have an undue adverse impact on water quality;
  - c. Traditional Uses: The proposal will not have an undue adverse impact on traditional uses, including without limitation, non-intensive public recreation, sporting camp operations, timber harvesting, and agriculture;
  - d. Regional Diversity: The proposal will not substantially alter the diversity of lake-related uses afforded within the region in which the activity is proposed;
  - e. Natural Character: Adequate provision has been made to maintain the natural character of shoreland;
  - f. Lake Management Goals: The proposal is consistent with the management intent of the affected lakes classification; and
  - g. Landowner Equity: Where future development on a lake may be limited for water quality or other reasons, proposed development on each landownership does not exceed its proportionate share of total allowable development.
15. **Anticipated Favorable Impacts:** Do you anticipate that your proposed use of the land would result in any favorable impacts on any of the surrounding land, resources, and/or uses in the community or area? If so, describe in detail the anticipated favorable impacts.
16. **Anticipated Unfavorable Impacts:** Do you anticipate that your proposed use of the land would result in any unfavorable impacts on any of the surrounding land, resources, and/or uses in the community or area? If so, describe in detail the anticipated unfavorable impacts and any measures proposed to control or minimize them.
17. **Public Services:** What municipal, county, or other services (i.e. solid waste disposal, fire and police protection, schools and school transportation, etc.) will your proposed use of the land require? Describe by what means these public services will be obtained.



18. **Compliance with Laws and Standards:** If your proposal includes a subdivision or development proposal, provide information in response to the following questions concerning whether the land is likely to be suitable for the proposed use.
- a. Describe what provisions will be made to comply with the Commission's development standards and other environmental laws.
  - b. Water Supply: What provisions will be made for securing and maintaining a healthy water supply to the area?
  - c. Soil Conditions: Are soil conditions appropriate for proposed uses, particularly in areas proposed for development?
  - d. Traffic: what provisions will be made for parking and safe traffic flow?
  - e. Erosion Control: What provisions will be made for stabilization and erosion control of the site?
  - f. Subsurface Waste Water Disposal: What provisions will be made to comply with the requirements of the Subsurface Waste Water Disposal Rules of the Maine State Plumbing Code?
  - g. Harmonious Fit: What measures will be taken to fit the proposal into the existing surroundings? Include any special considerations given to siting, design, size, coloring, landscaping or other factors that will lessen the impact of the proposal on the surroundings.
  - h. Scenic Impacts: What measures will be taken to minimize impacts of the proposal on the scenic quality of the area? Consideration should be given to visibility from roads and water bodies.
  - i. Wildlife Habitat: What measures will be made to minimize impacts on wildlife habitat including birds and water fowl? Consideration should be given to riparian zones along waterbodies.

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*Note: Should your petition for rezoning be approved, the Commission will require more detailed information about any proposed development within the concept plan area in the specific subdivision or development permit application.*

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Under provisions of Section 10.16.F,6 of the Commission's Land Use Districts and Standards, the Commission may approve a concept plan only if it finds that the following criteria are also satisfied:

1. The plan conforms with the Commission's Land Use Districts and Standards, where applicable.
2. The plan, taken as a whole, is at least as protective of the natural environment as the subdistricts which it replaces. In the case of lake concept plans, this means that any development gained through any waiver of the adjacency criterion is matched by comparable conservation measures.
3. The plan includes in its purpose the protection of those resources in need of protection.
4. The plan strikes a reasonable and publicly beneficial balance between appropriate development and long-term conservation of lake resources.
5. Conservation measures apply in perpetuity, except where it is demonstrated by clear and convincing evidence that other alternative conservation measures fully provide for long-term protection or conservation.

The following questions are intended to generate information that will be useful in assessing whether the proposal meets the Commission's criteria associated with rezoning to the P-RP subdistrict.

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19. **Conformance with the Commission's Standards:** Does the proposal meet or exceed the Commission's normal standards for site suitability, including the Commission's minimum dimensional requirements? If the plan includes any provisions that deviate from the Commission's Land Use Districts and Standards, explain in detail how the provisions differ from the Commission's rules and provide reasons for the proposed deviations.
20. **Resource Protection:** Is the proposal at least as protective of the natural environment as the Commission's existing protections? How does the proposal maintain or enhance the protection of the natural resources and public values within the areas involved?
21. **Balance between Development and Conservation:** How does the proposal strike a reasonable and publicly beneficial balance between appropriate development and long-term conservation of lake resources? Please keep in mind that proposed conservation measures must provide clear and significant public benefits.
22. **Conservation Measures:** If conservation easements are proposed, describe their substantive provisions (e.g. area of easement, allowed uses, access, special restrictions). Describe how the proposed easement holder meets the Commission's *Guidelines for Selection of Easement Holders*. If alternative conservation measures are proposed, describe their substantive provisions and describe how these measures fully provide for long-term protection or conservation.
23. **Additional Information:** State any additional facts regarding this petition for rezoning that you feel may further explain your proposal or assist the Commission in its review of your petition. Address any important issues identified by the public and other interested parties during the initial project planning.

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Please read and sign the certification, below and attach a copy of the completed *Notice of Filing of Zoning Petition*.

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***By signing this petition, I certify that notice of this petition has been given to all owners of abutting property and those within 1000 feet of the subject property and, if applicable, to Town or Plantation officials and County Commissioners.***

***I have personally examined and am familiar with the information submitted in this petition for rezoning, including all attachments, and I believe the information to be true, accurate and complete. I further certify that I will comply with all applicable statutes and with rules adopted by the Maine Land Use Regulation Commission.***

Petitioner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name and Title: \_\_\_\_\_

NOTE: Use this form or one containing identical information.

## NOTICE OF FILING OF REZONING PETITION WITH THE MAINE LAND USE REGULATION COMMISSION

### PETITIONER MUST SEND THIS NOTICE TO

- OWNERS OF ALL ABUTTING PROPERTY
- OWNERS OF ALL PROPERTY WITHIN 1,000 FEET OF PROPERTY TO BE REZONED
- PLANTATION ASSESSORS OR TOWN SELECTMEN, and
- COUNTY COMMISSIONERS

### AT THE TIME OF FILING OF THE PETITION FOR REZONING

This is to notify you that \_\_\_\_\_

(Name of Petitioner)

\_\_\_\_\_  
(Address of Petitioner)

has filed Petition for Rezoning with the Maine Land Use Regulation Commission pursuant to provisions of 12 MRSA section 685-A(8) to rezone \_\_\_\_\_ acres of land in

\_\_\_\_\_  
(Name of Town, Township or Plantation and County)

from its present \_\_\_\_\_ Subdistrict designation  
to a                     (P-RP) RESOURCE PROTECTION                     Subdistrict for purposes of

\_\_\_\_\_  
(Describe specifically, explaining what is to be done)

The Petition for Rezoning will be filed for public inspection at the Maine Land Use Regulation Commission office in Augusta on \_\_\_\_\_

(Filing date)

Written comments from interested persons should be sent to the Maine Land Use Regulation Commission, Department of Conservation, 22 State House Station, Augusta, Maine 04333-0022 within two weeks of filing of the petition.

Requests for public hearing must be submitted in writing to the Commission within two weeks of the filing of the petition. If you have questions about how to request a public hearing, please contact the Maine Land Use Regulation Commission staff by calling (207) 287-2631.